

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/934,655	HARTL ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Sanza L McClendon	1711	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to August 18, 2004.
2. ☒ The allowed claim(s) is/are 1,2,6-9,14-16,18,20,22,24 and 26-29.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. The amendments to the claims have been entered.
2. In response to the Amendment received on August 18, 2004, the examiner has carefully considered the amendments. The examiner acknowledges the cancellation of claims 3-4, 10-13, 17, 19, 21, 23 and 25, as well as the addition of new claims 26-29. The claim rejection under 35 U.S.C. § 112, 2nd paragraph for claims 6 and 8 have been overcome by the amendment and has hereby been withdrawn for consideration.

### *Response to Arguments*

3. Applicant's arguments, see Amendment, filed August 18, 2004, with respect to claim 14 has been fully considered and found moot in view of applicant's cancellation of said claims. The rejection of claim 17 under 35 USC 102(b) as being anticipated by Sokolov et al has been withdrawn.

### *Allowable Subject Matter*

4. Claims 1-2, 6-9, 14-16, 18, 20, 22, 24 and 26-29 are allowed.
5. The following is an examiner's statement of reasons for allowance: The primary reason for allowance is the 4-methylene- 1,3-dioxolane compound having the general formula found in claim 1 with its corresponding definitions and the method of making said compounds as outlined in the instant claims. The prior art teaches 4-methylene- 1,3-dioxolane compound having the general formula found in claim 1,

Art Unit: 1711

wherein x denotes a c-c single bond, however the prior art fails to teach wherein X is a C<sub>1</sub> to C<sub>18</sub> straight chain alkylene, C<sub>1</sub> to C<sub>18</sub> branched alkylene, C<sub>5</sub>-C<sub>6</sub> cycloalkylene, C<sub>8</sub>-C<sub>18</sub>-arylakylene, of -CH<sub>2</sub>(OCH<sub>2</sub>CH<sub>2</sub>)<sub>p</sub>OCH<sub>2</sub>- or -CH<sub>2</sub>(OCH(CH<sub>3</sub>)CH<sub>2</sub>)<sub>p</sub>OCH<sub>2</sub>- moiety.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanza L McClendon whose telephone number is (571) 272-1074. The examiner can normally be reached on Monday through Friday 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sanza L McClendon

Examiner

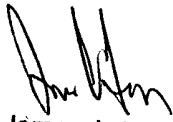
Application/Control Number: 09/934,655

Page 4

Art Unit: 1711

Art Unit 1711

SMc



James J. Seidleck  
Supervisory Patent Examiner  
Technology Center 1700